

## **Appendix B**

### **Farmington City Illicit Discharge Detection Elimination program**

This IDDE program will be implemented by Farmington City to detect and eliminate sources of non-storm water discharges from the MS4 and to implement defined procedures to prevent illicit connections and discharges.

4.2.3.1 A current storm sewer system map of the Farmington is maintained on the City's GIS system.

#### **4.2.3.2 16-4-140: ILLICIT DISCHARGES:**

A. Prohibited: No person or entity shall discharge or cause to be discharged into the city's storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards

B. Exceptions: The commencement, conduct or continuance of any illicit discharge to the city's storm drain system is prohibited, except as described as follows:

1. Water line flushing or other potable water sources;
2. Landscape irrigation or lawn watering;
3. Approved diverted stream flows;
4. Groundwater infiltration to storm drains;
5. Uncontaminated pumped groundwater;
6. Air conditioning condensation;
7. Natural riparian habitat or wetland flows;
8. Firefighting activities, and any other water source not containing pollutants;
9. Swimming pools (only if dechlorinated in accordance with federal regulations to less than 0.4 ppm chlorine);
10. Springs;
11. Natural riparian habitat or wetland flows; or
12. Discharges specified in writing by the stormwater official as being necessary to protect public health and safety.

C. Dye Testing: Dye testing is an allowable discharge, but requires a written notification to the stormwater official at least five (5) business days prior to the time of the test.

- D. Permitted Discharges: The prohibitions set forth in this section shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the federal environmental protection agency; provided, that the discharger is in full compliance with all requirements of the permit, waiver or order, and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system by the city.
- E. Connections: The prohibitions set forth in this section expressly include, without limitation, connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. The prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the storm drain system.
- F. Curbside Drainage Outlets: No person or entity shall install drainage outlets into curbsides unless approved by the city engineer or stormwater official. Approval shall be granted in limited circumstances and must be based on a showing of good cause. (Ord. 2008-03, 1-8-2003)

#### **16-5-040: REMOVAL OF OBSTRUCTION:**

In addition to any penalties which may be imposed pursuant to this title, the city may do the following:

- A. Removal: Remove any of the obstructions and any pipelines or other devices installed in violation of the provisions of this title;
- B. Notice: Give written notice to persons in violation of the provisions of this title requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail; provided, that a copy is also posted on offending installations for a period of ten (10) days. If such installations are not removed within ten (10) days after notice is given, the city may effect removal at the expense of the person in violation and may recover its costs and expenses therefor; and/or
- C. Abatement: Bring an action for the abatement of the nuisance caused by the offending installation and/or for the recovery of the city's costs and expenses incurred in removing the offending installation pursuant to subsection A or B of this section. (Ord. 2008-03, 1-8-2003)

#### **16-5-050: STOP WORK ORDER; REVOCATION OF PERMIT:**

In the event that any person holding a storm water permit pursuant to this title fails to complete the work required under the permit, fails to comply with all the requirements, conditions and terms of the permit, or violates the terms of the permit, the city may suspend or revoke the storm water permit and/or the applicable site development permit and issue a stop work order as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. If the city issues a stop work order, the permittee, and its subcontractors, shall immediately stop all work on the project, building or permit activity. Except as otherwise authorized by the city, no work shall be conducted on the project, building or permit activity until and unless the violation has been remedied and the city has issued a reinstated permit. The permittee shall be required to pay a reinstatement fee in

accordance with the Farmington City fee schedule. The city may authorize completion of all necessary temporary or permanent erosion control or stabilization measures and may use authorized bond funds to pay for the same. The permittee shall be liable to the city for all costs and expenses that may be incurred or expended by the city in bringing the property into compliance with the requirements of the permit and any collection costs, including legal fees, incurred by the city. The city may recover these costs through appropriate legal action. (Ord. 2008-03, 1-8-2003)

#### **16-5-060: ORDER COMPLIANCE:**

Whenever the city finds that a person or entity has violated a prohibition or failed to meet a requirement of this title, the authorized enforcement official may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- A. The performance of monitoring, analyses and reporting;
- B. The elimination of illicit connections or discharges;
- C. That violating discharges, practices or operations shall cease and desist;
- D. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- E. Payment of a fine to cover administrative and remediation costs; and
- F. The implementation of source control or treatment BMPs. (Ord. 2008-03, 1-8-2003)

#### **16-5-065: USE OF BOND PROCEEDS:**

In addition to the remedies and procedures set forth in this chapter, the city is authorized to utilize the bond proceeds in accordance with the terms and conditions of the bond agreement entered into by the parties for the particular project, development or construction activity in accordance with section [16-3-055](#) of this title. (Ord. 2008-03, 1-8-2003)

#### **16-5-070: VIOLATION AND PENALTY:**

- A. Criminal Violation: Any person who violates any provision of this title shall be guilty of a class B misdemeanor and shall be subject to fines as provided in Utah Code Annotated section 76-3-301, as amended, and/or imprisonment as provided in Utah Code Annotated section 76-3-204, as amended. Each day during which any violation of any of the provisions of this title is committed, continued or permitted shall constitute a separate offense.
- B. Civil Penalty: Any person who violates any provision of this title may be subject to civil penalties as more particularly set forth by resolution or ordinance of the city council.
- C. Damages: If, as the result of the violation of any provision of this title, the city or any other party suffers damage and is required to make repairs to and/or replace any materials, the cost of the repair or replacement shall be borne by the party in violation, in addition to any criminal fines and/or penalties.
- D. Nuisance: In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this title shall be considered a threat to the

public health, safety, welfare and the environment, and may be declared and deemed a nuisance by the stormwater official, or his or her designee, and may be abated and/or restored by the city in accordance with nuisance procedures.

- E. Other Relief: This section shall not limit the authority of any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate and lawful under local, state or federal law. (Ord. 2008-03, 1-8-2003)

#### 4.2.3.2.1 **16-1-030: ADMINISTRATION AND INTERPRETATION:**

The city manager is hereby designated as the city's authorized enforcement official and as such shall implement, administer and enforce the provisions of this title. Any powers granted or duties imposed upon the city manager may be delegated by the city manager or the city council to persons or entities acting in the beneficial interest of or in the employ of the city. (Ord. 2008-03, 1-8-2003; and. 2016 Code)

##### 4.2.3.3.1 Priority areas likely to have illicit discharge:

A.